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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,250	12/21/2000	Dimitris Katsamberis	60,137-162	9508

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EXAMINER

PIZIALI, ANDREW T

ART UNIT	PAPER NUMBER
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1775

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/747,250

Applicant(s)

KATSAMBERIS ET AL.

Examiner

Andrew T Piziali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities: It appears that the applicant intended to claim that a surface of the claimed article is one of a faucet surface or a doorknob surface, rather than one of a faucet surface and a doorknob surface. Appropriate correction is requested.
2. Claim 16 is objected to because of the following informalities. It appears that the applicant intended to claim that the color and protective layer provides one of a gold color, a brass color, or a nickel color, rather than one of a gold color, a brass color, and a nickel color. Appropriate correction is requested.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In claim 1 the applicant claims an article with a surface that is one of a faucet surface or a doorknob surface. It is not clear from the claim whether the article being claimed is restricted to one of a faucet or a doorknob. In view of the claim language, the specification, and the arguments presented with the amendment filed on 8/18/2003, the examiner has interpreted the claim language to be claiming an article limited to a faucet or a doorknob, but further clarification is required.

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8, 10-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,132,889 to Welty et al. (hereinafter referred to as Welty) in view of USPN 6,154,311 to Simmons, Jr. et al. (hereinafter referred to as Simmons Jr.)

Welty discloses a faucet or doorknob (column 1, lines 9-26), with a multi-layer coating (column 1, lines 42-64) comprising a nickel layer with a refractory metal layer deposited on the nickel layer. A refractory metal compound layer, such as zirconium nitride or titanium nitride (column 4, lines 34-48), is deposited on the refractory metal layer. Deposited on the refractory metal compound layer is a layer comprised of a refractory metal oxide or the reaction products of a refractory metal, oxygen and nitrogen. Welty discloses that the nickel layer provides improved corrosion protection and functions as a leveling layer which tends to cover or fill in imperfections on the substrate (column 3, lines 23-48).

Welty does not mention a polymer layer, but Simmons Jr. discloses the use of a polymer layer, in place of a nickel layer, in articles such as faucets, to provide improved corrosion resistance and to level substrates by forming a smooth hard surface (column 2, lines 9-45 and column 6, lines 15-44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the nickel layer of Welty, with the polymer layer of

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Simmons Jr., because the polymer layer provides a viable alternative to electroplating in addition to providing corrosion resistance while leveling a substrate by forming a smooth hard surface.

Regarding claim 16, Welty discloses that the color and protective layer may provide a brass color tone (column 1, lines 29-41 and column 4, lines 49-54).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Welty in view of Simmons Jr. as applied to claims 1-8, 10-16 and 18-19 above, and further in view of USPN 4,143,009 to Dewey.

Simmons Jr. does not specifically mention using an epoxy urethane as the polymer layer, but Dewey discloses that a polymer comprising epoxy urethane has properties that depend in part upon the resin components, but that in generally epoxy urethane is extremely tough (column 3, lines 21-32). It would have been obvious to one having ordinary skill in the art at the time the invention was made to select epoxy urethane as the polymer material of Simmons Jr., because epoxy urethane is a suitable polymer capable of forming an extremely tough surface and because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Welty in view of Simmons Jr. as applied to claims 1-8, 10-16 and 18-19 above, and further in view of USPN 6,196,936 to Meckel.

Welty discloses that the color and protective layer may have any desired color (column 4, lines 48-54), but fails to specifically mention nickel color. Meckel discloses refractory metal nitrides, such as chromium nitride and di-titanium nitride, and a refractory metal alloy nitride, titanium aluminum nitride, having the appearance of silver or lustrous gray (column 8, lines 2-

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15). Silver, lustrous gray, and nickel colors are essentially the same. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use one of the refractory metal compounds or refractory metal alloy compounds of Meckel as the color and protective layer of Welty, because such a material selection would achieve a commercially desirable conventional nickel color faucet finish. The examiner takes Official Notice that faucets with the finishes of brass and nickel are obvious alternative finishes in the faucet art.

***Response to Arguments***

9. Applicant's arguments filed 8/18/2003 have been fully considered but they are not persuasive.

The applicant asserts that there is no suggestion to replace the nickel layer of Welty with a polymer layer. The examiner respectfully disagrees. Although Welty does not mention a polymer layer, Simmons Jr. discloses the use of a polymer layer, in place of a nickel layer, in articles such as faucets, to provide improved corrosion resistance and to level substrates by forming a smooth hard surface (column 2, lines 9-45 and column 6, lines 15-44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the nickel layer of Welty, with the polymer layer of Simmons Jr., because the polymer layer provides a viable alternative to electroplating in addition to providing corrosion resistance while leveling a substrate by forming a smooth hard surface.

The applicant claims that there is no suggestion to employ epoxy urethane as the material of the polymer layer. The examiner respectfully disagrees. Although Simmons Jr. does not specifically mention using an epoxy urethane as the polymer layer, Dewey discloses that a polymer comprising epoxy urethane has properties that depend in part upon the resin

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components, but that in generally epoxy urethane is extremely tough (column 3, lines 21-32). It would have been obvious to one having ordinary skill in the art at the time the invention was made to select epoxy urethane as the polymer material of Simmons Jr., because epoxy urethane is a suitable polymer capable of forming an extremely tough surface and because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use.

***Conclusion***

10. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T Piziali whose telephone number is (703) 306-0145. The examiner can normally be reached on Monday-Friday (8:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on (703) 308-3822. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

atp



ANDREW T. PIZIALI  
PATENT EXAMINER



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SUPERVISORY PATENT EXAMINER